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CIVIL ACTION NO. 16-C-82
JUDGE H. CHARLES CARL, III

**IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION**

**MARKWEST LIBERTY MIDSTREAM
& RESOURCES, L.L.C.,**
Plaintiff,

v.

**CIVIL ACTION NO. 16-C-82
JUDGE H. CHARLES CARL, III**

**J.F. ALLEN COMPANY;
AMEC FOSTER WHEELER
ENVIRONMENT & INFRASTRUCTURE, INC.; and
REDSTONE INTERNATIONAL, INC.;**
Defendants¹,

**BENCH TRIAL ORDER
DAY EIGHT: SEPTEMBER 30, 2020**

1. On the 30th day of September, 2020, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Hampshire County, West Virginia. The Plaintiff was present by its counsel Kevin L. Colosimo, Joseph M. Ward, and Jonathan G. Brill, and its in-house counsel Jonathan Allen. Defendant J.F. Allen Company was present by its counsel Douglas C. LaSota and Nicole L. Carnevale and by its President, Greg Hadjis. Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. was present by its counsel Vic L. McConnell and by its Lead Engineer Chris Ramsey. Defendant Redstone International, Inc. was present by its counsel Bruce E. Stanley and Michael A. Jacks, and by its President, Heath Kefover.

2. The Court inquired as to whether counsel had any objections to the Day Order from yesterday. Counsel had no objections and the Court then entered the Order.

3. Thereafter, Mr. LaSota re-called Brad Wolf to the stand and his cross examination continued. During cross examination, the Court recessed for a brief break.

¹ The remaining Defendants were dismissed, by agreement of the parties, prior to the bench trial.

4. After the break, the cross examination of Mr. Wolf continued.
5. Thereafter, Mr. Wolf was subject to cross examination by Mr. McConnell.

During cross examination, the Court recessed for a lunch break.

6. After the lunch break, the cross examination of Mr. Wolf resumed.
7. Thereafter, Mr. Wolf was subject to cross examination by Mr. Stanley.
8. Thereafter, Mr. Wolf was subject to re-direct examination by Mr. Ward.
9. Following re-direct, Mr. Wolf was subject to re-cross examination by Mr. LaSota
10. Thereafter, Mr. Wolf was dismissed as a witness and is not subject to re-call.
11. Thereafter, Mr. Colosimo moved for admission into evidence of the following:

- a. **MarkWest Exhibits:** 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 15, 16, 17, 18, 20, 22, 24, 28, 33, 34, 35, 36, 38, 40, 41, 42, 44, 48, 51, 52, 54, 55, 57, 59, 60, 62, 63, 67, 70, 71, 72, 75, 76, 79, 83, 89, 90, 92, 94, 96, 99, 104, 106, 107, 108, 109, 110, 111, 113, 115, 116, 118, 121, 126, 133, 134, 136, 137, 142, 145, 152, 157, 158, 160, 161, 170, 171, 174, 175, 176, 177, 180, 183, 185, 187, 189, 191, 192, 193, 194, 196, 197, 201, 202, 203, 210, 212, 213, 215, 216, 217, 220, 222, 224, 225, 227, 229, 248, 251, 252, 254, 256, 257, 266, 269, 284, 284A, 284B, 285, 285A, and 285B;
- b. **J.F. Allen Exhibits:** 2, 3, 4, 6, 9, 10, 11, 41, 50, 56, 57, 58, 60, 62, 63, 114, 141, and 141A;
- c. **Amec Exhibits:** 9, 18, 26, 32, 33, 34, 35, 152, 153, 191, 246, 267, and 269; and
- d. **Redstone Exhibits:** 7, 7A, 8, 8A, 11, 11A, and 20A.

J.F. Allen, Amec, and Redstone had no objection to the admission of the exhibits.

12. At this point, Plaintiff rested.

13. Thereafter, Redstone made a Motion for judgment as a matter of law pursuant to Rule 52(c), Judgment on Partial Findings, of the West Virginia Rules of Civil Procedure and the Court heard argument from Mr. Jacks. Amec then made a Motion for judgment as a matter of law and the Court heard argument from Mr. McConnell. Mr. LaSota, on behalf of J.F. Allen,

joined in both Motions. The Court then heard argument from Mr. Colosimo, on behalf of the Plaintiff, in response to all Motions. The Court recessed to chambers to consider the Motions. Thereafter, the Court reconvened the proceedings and DENIED the Motions, with the Court's findings more fully set forth on the record.

14. Thereafter, J.F. Allen proceeded on its Counterclaim and Mr. LaSota called Greg Hadjis to the stand for direct examination.

15. At 4:33 p.m. the proceedings adjourned for the day. The Court and counsel agreed to start testimony at 9:00 a.m. tomorrow.

It is **ORDERED**:

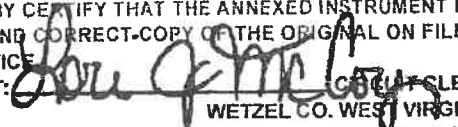
- ❖ The Circuit Clerk shall send this Order to all counsel of record.
- ❖ The Court notes the objections and exception of the parties to any adverse findings or rulings herein.

ENTERED this 1st day of October, 2020.



H. CHARLES CARL, III, JUDGE
BUSINESS COURT DIVISION



I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT IS A
TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN
MY OFFICE
ATTEST:  CIRCUIT CLERK
WETZEL CO. WEST VIRGINIA
BY: _____ DEPUTY CLERK